IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

MFA.No. 757 of 2002(A)

APPELLANT:

DR.C.VELAYUDHAN, CHEERAMKUNNATHU HOUSE,
P.O.THENKARA, MANNARKKAD, PALAKKAD DISTRICT.

BY ADV. SMT.V.P.SEEMANDINI

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, SC/ST DEVELOPMENT DEPARTMENT,GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM

2. THE SCRUTINY COMMITTEE FOR VERIFICATION OF SC/ST CLAIMS, REPRESENTED BY ITS CHAIRMAN, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF INDIAN SYSTEMS OF MEDICINE, THIRUVANANTHAPURAM.

4. THE TAHSILDAR, TALUK OFFICE, MANNARKKAD.

5. THE DIRECTOR OF KIRTADS, KOZHIKODE.

BY SPL. GOVT PLEADER SRI K.C.JOSEPH

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 19/12/2006, ALONG WITH OP NO. 3731 OF 1998 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

M.F.A. No 757 of 2002 & O.P.No 3731 of 1998

Dated: 19th December 2006

JUDGMENT

Radhakrishnan,J.

Heard counsel on either side.

2. Counesl appearing for the appellant brought to our notice judgment of the Division Bench in M.F.A No 1318 of 1999 and sought for similar direction. In such circumstances, following the principles laid down in the above judgment we are inclined to set aside the order passed by the Scrutiny Committee and remand the matter back to the Scrutiny Committee constituted under Act 11 of 1996. Scrutiny Committee would pass appropriate orders within a period of four months from the date of receipt of a copy of this judgment. It is open to the parties to adduce evidence and the Committee would give an opportunity of being heard to the parties. The contentions raised by the petitioner are left open. The appeal and the original petition are disposed of as above.

SD/-
(K.S. RADHAKRISHNAN,JUDGE)

SD/-
(M.N. KRISHNAN, JUDGE)

19/12/2006
en/

true copy

O.P. No 3731 of 1998

Order on CMP Nos 49597/2002, 19633/2003
and IA 9475/2006

Dismissed.

Id./- K.S.Radhakrishnan, Judge
Id./- M.N.Krishnan, Judge

19/12/2006

Appendix

Petitioner's exhibits:
Ext.P1 - True copy of judgment dt 11.9.1996 in OP 8546/96
Ext.P2 - True copy of G.O.(Ms)854/95(59)/Fin dt 21.11.1995
Ext.P3 - True copy of the representation submitted by the petitioner before the 2nd respondent dt 30.3.95
Ext.P4 - True copy of letter No 1-3548/94 issued by the District Medical Officer, Indian System of Medicine, Palghat to the Chief Medical Officer of Govt Ayurvedic Hospital, Mannarkkad dt 6.1.1995
Ext.P5 - True copy of interim order dt 13.10.1998 in CMP 34463/98 in OP 19677/98
Ext.P6 - True copy of judgment dated 24.06.2002 in OP 19677/98 of this court.
Ext.P7 - True copy of interim order dated 24.7.2002 in CMP 4687/2002 in MFA 757/2002
Ext.P8 - True copy of proceedings No D1-17318/2002 dated 30.12.2002 issued by the 2nd respondent
Ext.P9 - True copy of the statement showing the particulars of the amount due to the petitioner immediately after his retirement.

True copy